

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

ARM OR ALLY, LLC, RAINIER ARMS, LLC,
SALVO TECHNOLOGIES, INC. D/B/A “80P
BUILDER,” ROCK SLIDE USA, LLC, AND
INDIE GUNS, LLC,

**ORDER GRANTING
PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION**

INDEX NO. 22-CV-05525 (JMF)

Defendants.

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JESSE M. FURMAN, UNITED STATES DISTRICT JUDGE:

WHEREAS, on June 29, 2022, plaintiff the City of New York (“City”) filed a motion (“Motion”) against defendants Arm or Ally, LLC (“Arm or Ally”); Rainier Arms, LLC (“Rainier Arms”); Salvo Technologies, Inc. d/b/a/ “80P Builder” (“Salvo Technologies”); Rock Slide USA, LLC (Rock Slide USA); and Indie Guns, LLC (“Indie Guns”) for an Order pursuant to Rule 65 of the Federal Rules of Civil Procedure: (1) pending the entry of a final judgment in this case, enjoining the Defendants from selling and delivering into New York City “ghost guns,” “80% receivers or frames,” “unfinished frames or receivers,” unserialized “receivers” or “frames,” or any kits or collections of “unfinished” or unserialized gun parts that can be assembled into a firearm; and (2) granting the City of New York such other and further relief as the Court deems just and proper [ECF Nos. 4-9];

WHEREAS, on August 16, 2022, the Court entered as an Order the Stipulation and Order of Settlement between the City and Rock Slide [ECF No. 42];

WHEREAS, on August 29, 2022, the Court entered as an Order the Stipulation and Order of Settlement between the City and Rainier Arms [ECF No. 49];

WHEREAS, on September 6, 2022, the Court entered as an Order the Stipulation and Order of Settlement between the City and Salvo Technologies [ECF No. 51];

WHEREAS, on September 15, 2022, Indie Guns filed an opposition to the City's Motion [ECF No. 59];

WHEREAS, no other defendant opposed the Motion;

WHEREAS, on September 29, 2022, the City filed a reply in further support of its Motion [ECF No. 61];

WHEREAS, on October 13, 2022, the Court entered as an Order the Stipulation and Order of Settlement between the City and Arm or Ally [ECF No 68];

WHEREAS, on October 27, 2022, the Court heard argument on the Motion from Indie Guns and the City;

WHEREAS the Court, having considered the Motion and the documents filed therewith, as well as all other papers filed in this action, and having heard oral arguments from the parties, finds good cause to grant the Motion against Indie Guns because:

1. Plaintiff the City is likely to succeed on the merits of its causes of action against Indie Guns under the New York General Business Law §§ 898-a *et seq.* and for common law public nuisance;

2. Defendant Indie Guns' sales and deliveries into New York City of "ghost guns," "80% receivers or frames," "unfinished frames or receivers," unserialized "receivers" or "frames," or any kits or collections of "unfinished" or unserialized gun parts that can be assembled into a firearm are reasonably likely to recur absent a preliminary injunction;
3. Plaintiff the City will suffer irreparable harm absent a preliminary injunction; and
4. The balance of equities and the interests of justice favor issuance of a preliminary injunction.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Federal Rule of Civil Procedure 65(a), that

1. Defendant Indie Guns is **RESTRAINED AND ENJOINED** from:
 - a. Selling or otherwise disposing of any unfinished and/or unserialized frame or receiver to any individual attempting to order any unfinished and/or unserialized frame or receiver with: 1) a billing address in New York City, and/or 2) a shipping address in New York City; and
 - b. Shipping, causing to ship, delivering or causing to deliver any unfinished and/or unserialized frame or receiver to any address located within New York City.
2. "Dispose" means to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and/or otherwise dispose of.

3. A “frame” or “receiver” is (1) part of a firearm, rifle, shotgun or assault weapon that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel; and/or (2) a frame or receiver as defined in City, New York State or Federal law or regulation.

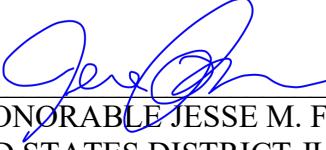
4. “Serialized” means bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

5. “Unserialized” means not bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

6. An “unfinished frame or receiver” is (a) a piece of material that does not at present constitute the frame or receiver of a firearm, rifle, shotgun, or assault weapon, but that has been shaped or formed in any way so as to become a frame or receiver of a firearm, rifle, shotgun, or assault weapon by modification by the user (by milling, drilling, or other means), and that is not serialized; and/or (b) a “ghost gun”; “80% receiver or frame”; or any kit or collection of unfinished and/or unserialized gun parts that can be assembled into a firearm.

SO ORDERED.

DATED: October 31, 2022


THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE